



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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March 24, 2014

Ref: 8EPR-N

Lisa Solberg Schwab  
Bureau of Land Management  
Pinedale Field Office  
PO Box 768  
1625 W. Pine St.  
Pinedale, WY 82941

Re: Wyoming Greater Sage-Grouse  
Draft EIS # 20130376

Dear Ms. Schwab:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management's (BLM) Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement (Draft LUPA/EIS).

**Background** --In March 2010, United States Fish and Wildlife Service (USFWS) published its listing decision for Greater Sage-Grouse (GRSG) as "warranted but precluded." Inadequacy of regulatory mechanisms was identified as a major threat to GRSG in the USFWS findings on the petition to list the species under the Endangered Species Act. The Draft LUPA/EIS analyzes the addition and/or modification of GRSG conservation measures in existing land use plans for six BLM Field Offices: Pinedale, Kemmerer, Rock Springs, Rawlins, Casper and Newcastle; and three National Forests and Grasslands: Bridger-Teton, Medicine Bow and Thunder Basin.

The Draft LUPA/EIS alternatives analysis is focused on three categories of GRSG habitat (1) Core or Priority habitat, (2) General habitat and (3) Connectivity habitat. Alternative E is the agencies' preferred alternative. This alternative limits surface disturbance within Core sage-grouse habitat to 5% per 640 acres as well as managing seasonal and connectivity GRSG habitat.

**EPA's Comments and Recommendations**

*1. Alternatives Analysis -- Relative Protectiveness of GRGS Populations*

All of the action alternatives in the LUPA/EIS increase protections or improve GRSG habitat; however, it is not clear from the document if all of the action alternatives are likely to be successful in stabilizing or increasing GRSG populations. We recommend that the final LUPA/EIS add a section to compare the anticipated outcomes of each alternative in protecting GRSG populations in the long term. We understand that it would not be possible to make definitive predictions regarding long term population

trends of GRSG in Wyoming. However, a qualitative comparison would add an important component to the decision-making process and improve the public's ability to understand the expected outcomes of the alternatives. For example, the alternatives propose different levels of future oil and gas leasing ranging from prohibiting future leasing in Priority Habitat (Alt. B) and prohibiting future leasing in both Priority and General Habitat (Alt. C) to maintaining current availability of lands for leasing and adding timing, distance and disturbance limitations in Priority Habitat (Alt. E). We note in the cumulative effects analysis there are many other actions, such as developing existing mineral leases, that have already been approved in areas of sage-grouse habitat that will continue to adversely impact GRSG populations.

We additionally recommend that the BLM consider selecting more precautionary management actions in the Preferred Alternative and using adaptive management to relax conservation measures as GRSG populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations. Many of the land management practices and decisions covered by the Draft LUPA/EIS would result in permanent impacts with few opportunities to reduce habitat fragmentation. For example, once a new road is constructed there would be permanent impacts to GRSG habitat. It may be possible to seasonally close the road to reduce impacts; however, many of the road impacts such as habitat fragmentation would remain permanently.

We understand that where impacts are less permanent, a less conservative approach may suffice when coupled with adaptive management. For example, according to Section 4.7 (starting on page 4-87) of the Draft LUPA/EIS, livestock grazing under the Preferred Alternative would continue to follow existing management practices. Additional requirements or conservation measures could be added in the future through adaptive management or reauthorization of grazing permits.

## *2. Adaptive Management*

We support the commitment of the BLM and the Forest Service to develop an adaptive management plan(s). Because of the importance of adaptive management in ensuring that sage-grouse conservation measures are effective, we recommend that draft or example adaptive management plan(s) be included in the Final LUPA/EIS.

## *3. Coordination with the State of Wyoming's mapping of Priority/Core GRSG Habitat.*

We recommend that information be added in the Final LUPA/EIS describing the relationship between the adaptive management plan(s) and the State of Wyoming's mapping of Priority/Core GRSG Habitat. It would be helpful to explain the procedures and timing for incorporating updated information into the State's GRSG Core Area Policy and online Density and Disturbance Calculation Tool. For example, if conservation measures succeed and new leks are established, we recommend the Final LUPA/EIS identify when and how new lek areas may become Core GRSG Habitat.

Map 3-18: Sage-Grouse Habitat shows the location of leks, Priority/Core Habitat and General Habitat, and Map 3-19: Sage-Grouse Seasonal Habitat shows regional winter, nesting, and summer habitats. When comparing these two maps with the core habitat areas mapped by the State of Wyoming, it appears that there are a number of leks and some nesting and summer habitat areas that are not included as core habitat. In addition, we note that much of the winter habitat is located outside of core areas. This is understandable as the State determined the areas to be identified as core habitat based on lek locations in areas with relatively little development. However, we are concerned that the use of mapped

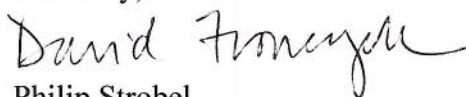
core/priority areas as a basis for GRSG protection may not fully protect substantial winter habitat as well as potentially some occupied leks, nesting and summer habitat that have not been included in the core habitat areas. We recommend adding additional information to the Final LUPA/EIS to examine whether the lesser protections planned for general sage-grouse habitat compared to core/priority areas will be sufficient to contribute to sustainable or increasing populations of sage-grouse.

### **The EPA's Rating**

Based on our review, the EPA is rating the Draft LUPA/EIS Preferred Alternative as "Environmental Concerns – Insufficient Information" (EC-2). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. It is not clear from the analysis if the preferred alternative will either increase or maintain sustainable GRSG populations. The "2" rating means that the Draft LUPA/EIS does not contain sufficient information for the EPA to fully assess environmental impacts. A description of the EPA's rating system is at <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We appreciate the opportunity to comment on this document and hope our suggestions for improving it will assist you with preparation of the Final LUPA/EIS. We would be happy to meet to discuss these comments and our recommendations. If you have any questions or requests, please feel free to contact either me at 303-312-6704 or Dana Allen of my staff at 303-312-6870 or by email at [allen.dana@epa.gov](mailto:allen.dana@epa.gov).

Sincerely,

*for* 

Philip Strobel

Acting Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation